

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

## AT&T Services, Inc.

## Plaintiffs,

VS.

Case No. 3:06-cv-05456-WHA

John Doe No. 1 (a/k/a  
brnroton@yahoo.com), John Doe No. 2  
(a/k/a carebear@yahoo.com), John Doe No.  
3 (a/k/a free@yahoo.com), John Doe No. 4  
(a/k/a gogo@hotmail.com), John Doe No. 5  
(a/k/a wealthysinner@yahoo.com), and John  
Doe Nos. 6-25,

## Defendants.

**ORDER GRANTING PLAINTIFF'S EXPEDITED EX PARTE MOTION  
FOR LEAVE TO TAKE IMMEDIATE DISCOVERY**

Upon Plaintiff's Expedited *Ex Parte* Motion for Leave to Take Immediate Discovery, the Court hereby ORDERS as follows:

1. Plaintiff may serve Rule 45 subpoenas that seek information sufficient to identify John Does No. 1 through 5 on Internet Service Providers (“ISPs”) including: CBeyond Communications, LLC; ICG Net Ahead, Inc. / TelWest Communications LLC; GBU Internet, LLC / Toledo Rapid, LLC; NTT America, Inc.; Comcast Cable Communications, Inc.; Xspedius Communications Co.; and Cox Communications. The subpoenas may seek the name, address, telephone number, e-mail address, and Media Access Control addresses for each of the IP addresses and corresponding dates and times listed on Exhibits A through E of the Plaintiff’s Complaint. To the extent necessary, the disclosure of this information is ordered pursuant to 47 U.S.C. § 551(c)(2)(B).

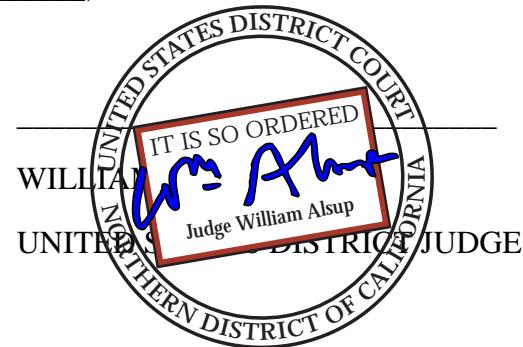
2. Plaintiff may also serve Rule 45 subpoenas on any ISP that Plaintiff is able to associate with an IP address used by any other Defendant (*i.e.*, among those identified in the Complaint as John Doe Nos. 6 through 25) on the date and at the time such Defendants established the allegedly false accounts. If Plaintiff serves such additional Rule 45 subpoenas, it shall also file a notice with the Court, identifying the ISP(s) served and providing a list of the IP addresses associated with the date and time of the allegedly unauthorized access of the online customer account information. These

1 subpoenas may also seek information sufficient to identify these additional Defendants, including the  
2 name, address, telephone number, e-mail address, and Media Access Control addresses for each of the  
3 IP addresses and corresponding dates and times that these additional Defendants established the  
4 allegedly false accounts. To the extent necessary, the disclosure of this information is ordered  
5 pursuant to 47 U.S.C. § 551(c)(2)(B).

6 3. Any information disclosed to Plaintiff in response to the Rule 45 subpoenas may be used by  
7 Plaintiff solely for the purpose of protecting Plaintiff's rights as alleged in the Complaint filed on  
8 September 6, 2006.

9 4. Plaintiff shall serve upon each ISP a copy of this Order with any subpoena.  
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11 SIGNED and ENTERED this 19th day of September, 2006.  
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